

LOUISVILLE METRO COUNCIL COMMITTEE MINUTES

Planning/Zoning, Land Design & Development Meeting

Tuesday, June 3, 2008

2:00 P.M.

Third Floor, City Hall

Present: **Chairman:** **CM Owen**
 Vice Chair: **CM Stuckel**
 Members: **CM Heiner, CM Flood, and Hamilton**

Also Present: **CM Engel and CM Downard**

Absent: **CM Raque Adams (Excused)**

Special Items for Discussion: NONE

Chairman Owen began the meeting by introducing the members and non-members of the committee that were present. A quorum was established.

AGENDA

[O-99-05-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO R-5, SINGLE-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 10315 SONIC DRIVE, CONTAINING A TOTAL OF 1.62 ACRES AND BEING IN LOUISVILLE METRO \(CASE NO. 9823\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Hal Heiner.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on April 17, 2008. Four spoke in opposition and one spoke neither for nor against. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Engel's District. A power point presentation was given. The following were items of discussion and concern:

- 8 single lots
- Access
- Floodplain compensation area
- Connectivity
- Sidewalks
- Right-of-way dedication
- Lot size

CM Engel, District Representative, is in favor of this development.

This item was sent to **Old Business**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood, Robin Engel

Against: (None)

Abstain: (None)

Absent: Julie Raque Adams

O-83-04-08 AN ORDINANCE OVERTURNING THE RECOMMENDATION OF THE PLANNING COMMISSION ON PROPERTY LOCATED AT 5911 SOUTH WATTERSON TRAIL, CONTAINING A TOTAL OF 6.3 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 9153). (AS AMENDED BY SUBSTITUTION)

Status: Return to Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Hal Heiner.

Discussion: This item was returned to the Planning and Zoning Committee from the Council Meeting of May 29, 2008. It is in CM Engel's District. Dawn Warrick, DPDS, gave a brief review of what a designated parkway is.

The following was discussed:

- Creation of Commercial nodes along parkways
- Hurstbourne Corridor Plan
- Senior Facility on Fegenbush Lane
- Hurstbourne Parkway Study
- Traffic and Connectivity
- Fencing and trees
- Possible Common area
- Design of the Development and Landscaping
- Power lines
- Should retail be put in when there is already retail 800 yards away just because the traffic count is right
- Sidewalks

Bill Bardenwerper, Attorney for the Applicant, spoke regarding the Land Development Code and the Hurstbourne Parkway Plan. The following was also discussed:

- Setback with good Landscaping
- Activity Centers
- Small neighborhood uses

Further discussion included the following:

- Findings of Fact was based on the applicants findings
- The Staff report did not make a recommendation

Per Theresa Senninger, Assistant County Attorney, a handout was given to the Committee Members regarding uses for CN Neighborhood Commercial District and the following was discussed:

- Withdrawing the recommendation for overturning the Planning Commission and changing the designation to CN Neighborhood Commercial
- Elimination of certain Binding Elements
- Addition of certain Binding Elements

CM Hamilton left at 3:18 P.M.

Chairman Owens directed Ms. Senninger to hold a meeting with the Applicants Attorney and interested parties. Ms. Senninger stated she would work with CM Engel regarding Findings and submit the findings at the next Committee Meeting

Motion to Table was made by Hal Heiner and seconded by Glen Stuckel.

This item was **Tabled**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Tom Owen, Glen Stuckel, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Julie Raque Adams, Cheri Bryant Hamilton

[O-100-05-08 AN ORDINANCE CHANGING THE ZONING FROM M-2, INDUSTRIAL, AND C-1, COMMERCIAL, TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 3126, 3128, 3132, 3134, AND 3140 PRESTON HIGHWAY, CONTAINING A TOTAL OF 2.73 ACRES AND BEING IN LOUISVILLE METRO \(CASE NO. 10215\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve was made by Hal Heiner and seconded by Glen Stuckel.

CM Hamilton returned at 3:23 P.M.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on April 17, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Johnson's District. A power point presentation was given. The following were items of discussion and concern:

- Extend existing use to provide mini warehouse storage
- Area is in the rear of the property
- Access
- Property adjoining Preston will remain vacant

This item was sent to **Old Business**.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 1

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood
Against: (None)
Abstain: (None)
Absent: Julie Raque Adams

[O-101-05-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL, TO EZ 1, ENTERPRISE ZONE, AND CHANGING THE FORM DISTRICT FROM NEIGHBORHOOD TO SUBURBAN WORKPLACE, ON PROPERTY LOCATED AT 6014 PRESTON HIGHWAY, CONTAINING A TOTAL OF 27.79 ACRES AND BEING IN LOUISVILLE METRO \(CASE NO. 10190\).](#)

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve was made by Cheri Bryant Hamilton and seconded by Hal Heiner.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on April 17, 2008. One spoke in opposition and two spoke neither for nor against. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Shanklin's District. A power point presentation was given. The following were items of discussion and concern:

- Currently vacant
- Screening
- Compatibility
- Potential Historical artifacts in the area
- Access
- Additional truck traffic
- Drainage
- Possible flooding
- EZ-1 Enterprise Zone uses
- Public Right-of-Way
- Binding Element #14 is in regard to a possible Native American burial grounds in the area
- Applicant is paying into a Wetland Bank

This item was sent to **Old Business**.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 1

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Julie Raque Adams

[O-73-04-08 AN ORDINANCE CHANGING THE ZONING FROM R-7 MULTI-FAMILY RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 7712 SHEPHERDSVILLE ROAD, CONTAINING A TOTAL OF 2.02 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 8415\).](#)

Status: In Committee - Tabled

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Untable was made by Glen Stuckel and seconded by Hal Heiner.

The item was Untabled.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 1

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Julie Raque Adams

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on March 20, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Peden's District. A power point presentation was given at the last meeting.

Theresa Senninger stated she spoke with the Attorney for the Applicant and the Applicant is unwilling to agree to the proposed binding element regarding restriction of uses. Ms. Senninger recommended this item be moved out of the Committee and sent to the full Council since CM Peden is on vacation and the 90 day rule may come into play. That way a Floor amendment could be made if necessary.

The restricted uses were as follows:

- Boarding and lodging houses
- Car washes
- Multi Family and two family dwellings
- Check cashing facilities
- Establishment hold a retail malt beverages licenses but that do not allow consumption on the premises
- Establishments holding a distilled spirits licenses
- Extended Stay lodging
- Health spas
- Pawn shops

This item was sent to **Old Business without a Recommendation**.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 1

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Julie Raque Adams

[O-76-04-08 AN ORDINANCE AMENDING CHAPTER 4 OF THE LAND DEVELOPMENT CODE TO ADD PART 9, PERTAINING TO THE KARST DEVELOPMENT REGULATIONS \(CASE NO. 9906\)](#)

Status: In Committee - Held
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Discussion: This item remained **Held in Committee**.

[O-49-03-08 AN ORDINANCE AMENDING CHAPTER 4, PART 3 OF THE LAND DEVELOPMENT CODE TO ALLOW DAY CARE CENTERS AS A PERMITTED USE WITH SPECIAL STANDARDS WITHIN THE M-1 INDUSTRIAL ZONING DISTRICT \(CASE NO. 10416\)](#)

Status: In Committee - Held
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Discussion: This item remained **Held in Committee**.

[O-56-03-08 AN ORDINANCE AMENDING CHAPTER 97 OF THE LOUISVILLE/JEFFERSON CODE OF ORDINANCES \(LMCO\) RELATED TO STREETS AND SIDEWALKS AND AMENDING THE LAND DEVELOPMENT CODE \(LDC\) RELATED TO DWELLINGS](#)

Status: In Committee - Tabled
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: James Peden

Discussion: This item remained **Tabled**.

Motion to Adjourn was made by Cheri Bryant Hamilton and seconded by Hal Heiner.

Without objection the meeting Adjourned at 3:51 P.M.

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on June 12, 2008.**

KQG